

Application No. 10/682,415
Attorney Docket: 081627-0305364

REMARKS

Claims 1-24 are pending. Reconsideration of the rejections is respectfully requested in view of the remarks below.

Claims 1-12, 14-17, and 21-24 were rejected under 35 U.S.C. §103(a) over Companiony, U.S. Patent 5,157,862, in view of Bruce, U.S. Patent 4,936,044. The rejection is respectfully traversed.

Claim 1 recites a container with an interior storage space and a pair of upstanding walls with slots formed therein and at least one leader hanger removably supported in the slots in the container. Claim 1 further recites that the leader hanger is formed as an elongated member having a plurality of integral leader support members thereon that extend from the longitudinal wall portions at fixed, spaced longitudinal locations.

Companiony discloses a single panel fishing leader holder 10 including a back panel 20 having a front face 22. Hooking means 30 includes a row of alternating slots 32 and grooves 34. The slots 32 receive the hook ends 82 of the fishing leader 80 and the grooves 34 receive the swivel ends 84 of the fishing leader 80. Looping means 40 including a plurality of rubber bands 42 extend across the front face 22 of the back panel 20 and are secured to the back panel 20 by a narrow rod 46 which extends across a mid portion of the rubber bands 42 such that hooking ends 43 of the rubber bands 42 extend from both sides. The looping ends 43 of the rubber bands 42 hold the folded center portions 86 of the fishing leader 80 such that the fishing leader 80 is held taut between the hooking means 30 and the looping means 40.

The back panel 20 is sized and configured to be positioned inside the cover portion 91 of a tackle box 90. A magnet 64 placed in the cover portion 91 attracts a bonded metal guide 62 attached to the back panel 20. In a second embodiment shown in Figure 4, a fishing leader holder 12 includes two back panels 20 that are hingedly attached by a substantially thin layer of molded material 70. In a third embodiment shown in Figure 8, a fishing leader holder 14 includes a double-sided panel 80 attached on both sides such that one back panel 20 closes on the front face 82 of a middle panel 80 and a second back panel 20' closes onto the rear side 84 of the double-sided middle panel 80.

There is no disclosure or suggestion by Companiony of a leader hanger formed as an elongated member having a plurality of integral leader support members thereon, wherein the elongated member has a length and opposed longitudinal wall portions and the

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support members extend from at least one longitudinal wall portion at fixed spaced longitudinal locations so that a leader may be retained in a longitudinal storage position, as recited in claim 1. None of the back panels 20 of any of the three embodiments of Companiony include an elongated member having a plurality of integral leader support members thereon, wherein the elongated member has a length and opposed longitudinal wall portions, as recited in claim 1. The slots 32 and grooves 34 of Companiony, identified by the Examiner as allegedly corresponding to the claimed integral leader support members, do not extend from at least one longitudinal wall portion at fixed spaced longitudinal locations, as recited in claim 1. The slots 32 and grooves 34 of Companiony are clearly at fixed space directions along the width, not along the length of the back panel 20.

Bruce fails to cure the deficiencies of Companiony discussed above with respect to claim 1. In particular, Bruce also does not disclose or suggest a leader hanger formed as an elongated member having a plurality of integral leader support members thereon, wherein the elongated member has a length and opposed longitudinal wall portions and the support members extend from at least one longitudinal wall portion at fixed spaced longitudinal locations. Accordingly, the combination of Companiony and Bruce fails to include all the limitations of claim 1 and fails to present a *prima facie* case of obviousness.

It is further respectfully submitted that there is no suggestion or motivation to combine Companiony and Bruce in the manner alleged by the Examiner and thus the combination fails to present a *prima facie* case of obviousness against claims 1, 15 and 24.

With respect to the Examiner's conclusion on the sentence bridging pages 2 and 3 of the Office Action that: "It would further be obvious to substitute panel 14 of Bruce for leader holder 10 of Companiony since merely one equivalent board is being exchanged for another and the function is the same, namely to hold fishing tackle," it is respectfully submitted that the Examiner's conclusion is incorrect. Bruce discloses a lure storage container for crankbait having two sets of treble hooks. The panel 14 of Bruce includes a front side 52 and a back side 66 that include first horizontal slots 50 and second horizontal slots 68, respectively. The slots are available for receipt of crankbaits 56. See column 4, lines 60-68.

The panel 14 of Bruce and the leader hanger 10 of Companiony are clearly not "merely equivalent" as concluded by the Examiner. The leader hanger 10 of Companiony is clearly incapable of holding crankbait lures and the panel 14 of Bruce is clearly

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incapable of holding fishing leaders. Accordingly, the alleged motivation provided by the Examiner, in particular the substitution of one equivalent for another, simply does not exist. There is no motivation to combine Companiony and Bruce in the manner alleged by the Examiner.

With respect to the Examiner's conclusion on page 6, lines 6-7, of the Office Action that, "in this case, the motivation is in the knowledge generally available to one of ordinary skill in the art," it is respectfully submitted that no such motivation exists. Although the design of tackle boxes for storing a plurality of different items used for fishing may be considered one field of endeavor for one of ordinary skill in the art, the Examiner has presented no convincing reasoning why one of ordinary skill in the art would look to a panel for holding crankbait lures and their treble hooks to modify a panel configured to hold fishing leaders.

With respect to the Examiner's allegation on page 5, paragraph number 5, of the Office Action that Applicant is attacking the reference individually, the Examiner is incorrect. As clearly stated on page 7, lines 5-6, of the Amendment filed on October 29, 2004, "the combination lacks features of claim 1 as explained above." As also clearly argued on page 7, lines 15-16, of the October 29, 2004 Amendment, "none of these features are shown by the asserted combination of Companiony and Bruce." In addition, as clearly argued on page 8, lines 4-5 of the October 29, 2004 Amendment, "claims 4 and 18-20 are not rendered obvious by the asserted combination and are allowable." (Emphasis added.)

With respect to the Examiner's allegation on page 5, paragraph number 5, that "the combination as applied to claim 1 does not contemplate employing the fishing lure hanger of Bruce," it is respectfully submitted that the Examiner is again incorrect. The Examiner, in the sentence bridging pages 2 and 3 of the Office Action, clearly states: "It would further be obvious to substitute panel 14 of Bruce for leader holder 10 of Companiony." As discussed above, there is absolutely no motivation or suggestion, absent hindsight, for such a modification and/or combination.

With respect to the Examiner's conclusion, on page 6, lines 7-8, of the Office Action that the partition walls of Bruce are "inherently removable," in accordance with MPEP §2112, the Examiner is respectfully requested to provide the required basis in fact and/or technical reasoning for concluding that the partition walls of Bruce are inherently,

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or necessarily, removable. In the absence of any basis in fact and/or technical reasoning, it is respectfully submitted that the rejection must be withdrawn.

Dependent claims 2, 12, 14, 16, 17 and 18-20 are allowable for at least the above reasons and for the additional features recited therein.

Claims 4 and 18-20 are rejected as being unpatentable over Companiony in view of Bruce and further in view of Borell, U.S. Patent 3,213,564. Borell does not remedy the deficiencies of Companiony and Bruce. Claims 4 and 18-20 are not rendered obvious by the asserted combination and are allowable.

It is also respectfully noted that claim 4 was previously rejected over Companiony and Bruce. The Examiner is respectfully requested to clarify the rejection of claim 4.

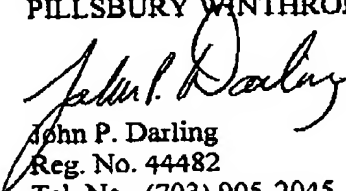
Claim 13 is rejected as being unpatentable over Companiony in view of Bruce and further in view of Richards, U.S. Patent 4,782,619. Richards does not remedy the deficiencies of the rejection based on Companiony and Bruce discussed above and as discussed in the October 29, 2004 response. Claim 13 is allowable.

It is respectfully submitted that the application is in condition for allowance. Should further issues require resolution prior to allowance, the Examiner is requested to telephone the undersigned.

Should any fees be required for entry of this Amendment, the Commissioner is hereby authorized to charge Deposit Account 03-3975 under Order No. 081627-0305364.

Respectfully submitted,

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